

Date..... July 10, 2006

RESOLUTION ACCEPTING DECLARATION OF COVENANTS
REQUIRED FOR CITY APPROVAL OF A PLAT OF SURVEY

WHEREAS, Patricia Shumate, Marilyn Hennesy, Anthony Scavo, Paul Scavo and Charles Scavo (collectively the "Scavos") seek to subdivide property they own in the 300 block of E. Kenyon Avenue by an administratively approved Plat of Survey; and,

WHEREAS, the proposed Plat of Survey creates a large Parcel "F" that could be subdivided into multiple lots for residential development and to provide street connections to future development on the adjoining properties; and,

WHEREAS, the Permit and Development Center Coordinator has conditionally approved the Plat of Survey pursuant to Section 106-198(d) of the City Subdivision Regulations, subject to the Scavos filing a Declaration of Covenants restricting development on Parcel "F" to preserve the potential for the parcel to be subdivided in the future; and,

WHEREAS, the Scavos has signed the Declaration of Covenants prepared by the City Legal Department, which is on file and available for public inspection in the office of the City Clerk; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The Declaration of Covenants is hereby approved and accepted.
2. The Mayor is hereby authorized and directed to sign the acceptance of the Declaration of Covenants on behalf of the City of Des Moines, and the City Clerk is hereby authorized and directed to attest to the Mayor's signature.
3. The City Clerk is further directed to release the original document to the Scavos for recording at their expense in the office of the Polk County Recorder.

MOVED by _____ to adopt.

FORM APPROVED:

Roger K. Brown

Roger K. Brown, Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BROOKS				
COLEMAN				
HENSLEY				
MAHAFFEY				
KIERNAN				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

.....Mayor

..... City Clerk